



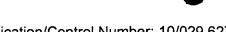
# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,627	12/21/2001	Katsumi Sasaki	15174	5083
7590 03/29/2004		EXAMINER		
Scully, Scott, Murphy & Presser 400 Garden City Plaza			BUI, VY Q	
	y Fiaza IY 11530-0299		ART UNIT PAPER NUMBER	
• /			3731	У
			DATE MAILED: 03/29/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	pplicant(s)	0//
	10/029,627	SASAKI, KATSUM	ı //
Office Action Summary	Examiner	Art Unit	
	Vy Q. Bui	3731	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet	with the correspondence add	dress
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may ly within the statutory minimum of will apply and will expire SIX (6) Na, cause the application to become	r a reply be timely filed thirty (30) days will be considered timely IONTHS from the mailing date of this co ABANDONED (35 U.S.C. § 133).	: mmunication.
Status			
<ul> <li>1) Responsive to communication(s) filed on 21 E</li> <li>2a) This action is FINAL. 2b) This</li> <li>3) Since this application is in condition for alloware closed in accordance with the practice under E</li> </ul>	s action is non-final. ince except for formal m		merits is
Disposition of Claims			
<ul> <li>4)  Claim(s) 1-10 is/are pending in the application 4a) Of the above claim(s) is/are withdra</li> <li>5)  Claim(s) 3 is/are allowed.</li> <li>6)  Claim(s) 1 and 3 is/are rejected.</li> <li>7)  Claim(s) 4-10 is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or</li> </ul>	wn from consideration.		•
Application Papers			
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected or by objected or by objected or by objected in abe	yance. See 37 CFR 1.85(a). ing(s) is objected to. See 37 CF	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documen 2. Certified copies of the priority documen 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	its have been received. Its have been received in Ority documents have be Bau (PCT Rule 17.2(a)).	n Application No en received in this National	Stage
Attachment(s)			
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 3.  S. Patent and Trademark Office	Paper I	ew Summary (PTO-413) No(s)/Mail Date of Informal Patent Application (PTC	D-152)



Application/Control Number: 10/029,627

Art Unit: 3731

#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by IACOVELLI (US Pat. 5,350,391).

As to claims 1 and 3, IACOVELLI (Figs. 1-23) discloses a surgical instrument including, for example, an insertion section 52 of a small-diameter pipe, treatment section including jaws 54-56, operation section 50/60 including handles 56, 58, driving rod 66 received in pipe 52 and connected to handle 58 so that a rotation of handle 58 will cause driving rod 66 to rotate treatment section including jaws 54-56 about axis 51 (Fig. 11a) and rod 62 to cause jaws 54-56 to open or close.

## Allowable Subject Matter

Claim 2 is allowed.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-10 are dependent to claim 4, therefore are objected to as being dependent upon an objected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Application/Control Number: 10/029,627

Art Unit: 3731

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 703-306-3420. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J Milano can be reached on 703-308-2496. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VQB

3/18/2004.